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COURT OF CRIMINAL APPEALS
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COURT OF CRIMINAL APPEALS
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DEANA WILLIAMSON, CLERK

Re: Advisory, *State v. Sean Michael McGuire*, PD-0984

January 10, 2020

To the Honorable Court of Criminal Appeals:

The SPA's brief, filed today, relies on the .15 Class A misdemeanor DWI enhancement in arguing exigent circumstances under Issue 2. TEX. PENAL CODE § 49.04(d). That provision, however, was not in effect at the time of the offense in this case (which was August 2010). *See* Acts 2011, 82nd Leg. R.S., ch. 960 (H.B. 1199—Abdallah Khader Act), eff. Sept. 1, 2011. The SPA sincerely apologizes for this mistake in her PDR and brief and asks that the Court disregard it when considering the exigency. *See* SPA's Brief on the Merits at 22-23.

The SPA certifies that a copy of this letter has been served on January 10, 2020, via email or certified electronic service provider to:

Hon. Jason Bennyhoff
Jason.Bennyhoff@fortbendcountytexas.gov

Hon. Kristen Elaine Jernigan
kristen@txcrimapp.com

Thank you.

Stacey M. Soule
State Prosecuting Attorney